

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTOLIN ANDREW MARKS,
Plaintiff,

v.

DEENA GEPHARDT *et al.*,
Defendants.

Case No. C07-5259RJB

ORDER

This Bivens action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4.

Mr. Marks now litigates under a sanction as a result of improper filings. As part of that sanction documents filed by Mr. Marks are submitted under seal for court review. Mr. Marks has filed five documents since entry of the sanction order (Dkt. # 29, 30, 31, 32, and 33). Dkt. # 29 is a motion to strike defendants answer and enter default. Judge Bryan denied this motion on December 5, 2008. **Dkt. # 29 is now UNSEALED.**

Dkt. # 30 is a motion to compel discovery. This motion was not entered into the court's electronic system until November 27, 2008. The motion has been sealed and could not be accessed by defendants, although Mr. Marks has filed an affidavit of service. The motion is noted for December 7, 2007. **Dkt. # 30 is now UNSEALED.** The motion is re-noted on the court's own motion for **December 28, 2007**, to allow the parties adequate time to file a response and a reply.

Dkt. # 31 and 32 are objections to the Report and Recommendation that has just been adopted. **Dkt. # 31 and 32 are now UNSEALED.** The order adopting the Report and Recommendation reflects

1 the court considered the objections (Dkt # 34).

2 Dkt. # 35 is a motion from plaintiff for judgment on the pleadings as to defendants counter claim.
3 The motion is improperly noted for December 14, 2007. The motion is re-noted on the court's own
4 motion for **December 28, 2007**, to give the parties adequate time to file a response and a reply. **Dkt. # 35**
5 **is now UNSEALED.**

6 The clerk's office is directed to send copies of this order to plaintiff and counsel for defendants, re-note
7 Dkt. # 30 and 35 for **December 28, 2007**.

8 DATED this 6 day of December, 2007.
9

10
11 /s/ J. Kelley Arnold
12 J. Kelley Arnold
13 United States Magistrate
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28